

Comments for Tongue River III Draft Supplemental EIS

I am Mark Fix and I am a rancher on the Tongue River that will be crossed by the proposed Tongue River Railroad. I sit on the Board of the Northern Plains Resource Council, a grassroots conservation and family agriculture organization. Northern Plains organizes Montana citizens to protect water quality, family farms and ranches, and our unique quality of life.

Before I start with my testimony I would like to tell you all a story about a recent experience with the Surface Transportation Board. I traveled to Washington D.C. over a year ago to discuss impacts of Coal Bed Methane with lawmakers. It was the first time I had ever been to Washington DC. I had some spare time and wanted to go and talk with Dana White in the Surface Transportation Board Office. I was told that I could not meet with Dana because it was considered ex-parte communication. I am not a lawyer and I had no intention of discussing items related to the Northern Plains lawsuit related to the railroad. I thought the Surface Transportation Board was supposed to be a public agency and was frustrated that I was not allowed access to people within the office. I guess this is my only chance to let the STB know what I think about the railroad, so I better make it good.

I will be presenting official testimony for the Northern Plains Resource Council and myself. We will both provide more detailed comments before the December 6th comment deadline.

Let me say upfront that Northern Plains and I personally oppose the Tongue River Railroad for three very simple reasons:

1. It's unnecessary: the railroad would service coal operations that are already serviced by other railroads. Both Decker and Spring Creek have rail access already.
2. It would dissolve Montana's competitive advantage: the railroad would take away a competitive advantage currently enjoyed by coal mined in Colstrip by shortening the distance to Midwest markets for Gillette coal. As my friend and fellow-rancher Art Hayes, Jr. is fond of saying, the Tongue River Railroad would be Montana's biggest gift to Wyoming.
3. Finally, we oppose this railroad because it would turn the Tongue River Valley into an industrial zone. It would destroy farm and ranch land, contribute to the spread of weeds, burden ranchers with cumbersome and dangerous railroad crossings, cut livestock off from water sources or pastures, and destroy the peace and quiet that those of us who farm and ranch in the area enjoy.

It would be one thing to accept those kinds of impacts if we knew that the railroad actually served some sort of public good. Instead, as I said before, it services coal operations already served by other railroads and actually takes away a competitive advantage for coal mined in Colstrip.

In addition to these three simple reasons to oppose the railroad, we have other concerns. No right of way has been purchased across my land as of this date and no contract for an easement has been negotiated. Although the railway was approved years ago, no action has taken place. How long will a permit last? I thought that railroads were supposed to be built within 3 years of approval.

We agree with the Section of Environmental Analysis of the Surface Transportation Board that the development of the Otter Creek tracts is speculative and probably will not happen. We urge the Surface Transportation Board to re-examine the financial analysis provided by Tongue River Railroad because we believe the financial analysis included hauling Otter Creek Coal. If the Otter Creek Coal is not developed, the income provided from Otter Creek Coal should not be included in the analysis.

A few days ago I traveled down the Tongue River Canyon. I noticed that there are rock cliffs along the canyon and there does not appear to be much soil on top of the cliffs. I suspect that most of the Western Alignment is underlain by this rock. If the 17 million cubic yards of soil that needs to be moved consists primarily of rock the cost estimates to build the Western Alignment are much lower than they should be. Where is the information from the geotechnical tests that was done several years ago? Was there any geotechnical information given for the Western Alignment area?

We are concerned that construction of the railroad could contribute to further degradation of the Tongue River. I have taken water samples at Miles City all this summer and the standard for salinity has been exceeded all summer. We believe that the addition of up to 10,600 tons of sediment per year into the Tongue River from the construction of the Western Alignment would cause an even greater exceedence of the salinity standard. Northern Plains believes that degradation in the river is the result of coal bed methane development in Montana and Wyoming. There will be more development of methane in the future and this combined with the impacts caused by construction of the Tongue River Railroad will very likely destroy our irrigated land along the river and drastically affect the fishery.

This Environmental Impact Statement did not do enough analysis on the impacts of the entire railroad, including the original proposal, which would have run from Miles City to a site near Ashland, the additional spur to Decker – known as Tongue River II, and the new alignment. The information provided in the original analysis of the railroad is stale and does not address coal bed methane development and other new information. The Surface Transportation Board needs to do a new study of impacts of the entire 130-mile railroad. The piecemeal approach that has been taken is not acceptable.

The wildlife studies included in the EIS are unacceptable. You cannot do an adequate study from a helicopter flyover of the area. As a rancher, I can tell you that you must be on the ground to really see what's happening. The EIS states that access could not be obtained for a wildlife study. How many people were contacted to make that assertion? No one ever contacted me to see if they could do a wildlife study.

This EIS fails to look at the cumulative impacts. Although it acknowledges other projects, it fails to look at how the projects add to the effects caused by the railroad. Since the railroad was first proposed in 1979, we now have the potential for between 10,000 and 26,000 coal bed methane wells in the same area that would be impacted by the railroad. These projects will damage private farms and ranches. In addition to development in Montana, up to 51,000 methane wells are expected in Wyoming. The EIS needs to examine these impacts as a whole to get a clear picture of what we face.

We don't have to imagine that coal bed methane development and the railroad could come into conflict: Powder River Gas's Coal Creek Project will drill wells directly on the route proposed for the Western Alignment. This highlighted to me that no coordination is taking place between the Surface Transportation Board and the BLM for projects.

No analysis has been done to document the loss of value to property that will occur with the construction of the TRR.

No analysis was done to document the potential loss to agriculture when the soils are permanently damaged by the degradation in the irrigation water caused by sediment loading from TRR, in addition to sodium and salinity damage from coal bed methane.

There is no baseline data included for water quality in the Tongue River or soil quality on the irrigated farmland that will be affected by the sediment loading in the river.

The EIS states that dust suppression water may be purchased from Tongue River Water Users (TRWU). This water is designated for agriculture use and we only got 48 percent of the contract water from the TRWU this year. I had to purchase some water from the Northern Cheyenne to irrigate my crops this year. Simply put, there's no additional water available. According to the draft Total Maximum Daily Load (TMDL) done on the Tongue River, 300,000 acre feet of water flow in the Tongue River per year compared to 5.5 million acre feet of water rights. The Tongue is over allocated already. It doesn't appear that information from the TMDL work on the Tongue River has been included in this EIS.

The major source of income in Montana is agriculture and the EIS fails to account for the impact the Tongue River Railroad will have on the agriculture economy in the Tongue River area.

In summary we believe that the Tongue River Railroad should not be built. We request that the Surface Transportation Board revoke the permit for the entire line due to the lack of diligence and need.

I thank you for the opportunity to comment and will submit additional, more in depth comments, before the deadline.